Questions and Answers About:

Reviews of the Northern Spotted Owl and Marbled Murrelet

Q – What action is the Fish and Wildlife Service taking?

A – The Service is conducting reviews of the northern spotted owl and the marbled murrelet, both threatened species protected under the Endangered Species Act. To help with these reviews, the Service is contracting with two internationally recognized scientific consulting firms to conduct the first part of the review, which involves the evaluation and interpretation of new information that has become available since the two species were listed in the early 1990s.

Q – Who are the contractors?

A – The Sustainable Ecosystem Institute of Portland, Oregon, will review information about the northern spotted owl. SEI was founded in 1994 and uses a network of more than 100 scientists around the world to work on national and international ocean issues, forests, endangered species, and the interface between science and policy. More information is available at www.sei.org.

EDAW, a Seattle firm, will review information about the marbled murrelet. Founded in 1939, EDAW is a land and environment-based planning and design firm with core services of environmental and economic planning, water resource management, urban design and landscape architecture. Learn more about EDAW at www.edaw.com.

Q – How were the contractors selected?

A – The contractors were selected from among proposals submitted during a public process. Two proposals were received on the northern spotted owl review and three were received on the marbled murrelet review. The evaluation criteria (and their weights) for selection included:

- Demonstrated, specialized experience and professional competence of key personnel. (30%)
- Qualification of firm, management capability and demonstrated capacity. (30%)
- Past performance on contracts with Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules. (25%)
- Price, used to determine reasonableness and the offeror's understanding of the work. Should two or more offerors receive identical scores in each of the above factors then price will be the deciding factor. (15%)

Q – How much will the contractors be paid?

A – SEI will receive \$414,737 for its review. EDAW will be paid \$348,916 for its work.

Q – Why is the Service using contractors to conduct the first part of the reviews?

A – Using contractors will enable the Service to meet its April 20, 2004, deadline for completing the reviews without diverting staff biologists from other important projects.

Q – What will the contractors review?

A – The contractors will convene panels of scientific experts to review all new information that has become available since the owl was listed in 1990 and the murrelet was listed in 1992. The experts will evaluate (a) the quality of all available relevant information; (b) the validity of the conclusions drawn from the information; and (c) if no conclusions were drawn, what, if any, conclusions may be appropriate. The panels will also be asked to interpret the information, including an assessment of the threats to the populations.

The final products, provided to the Service through the contractors, will be reports on the ecological and biological condition of the two species that summarizes and evaluates new information available since the time of listing, and any new understanding of information existing at the time of listing. The reports will include, but not be limited to, an evaluation of the information related to the following topics:

- Species biology, including population trends, distribution, abundance, demographics, and genetics;
- Habitat conditions, such as availability, use, and suitability;
- New threats or threats existing at the time of listing that may have increased or decreased in severity, such as disease, competition, predation or over-utilization;
- Other new information including, but not limited to, taxonomic or nomenclatural changes, and improved analytical methods and analyses of existing information.

Q – What will the Service do with these reports?

- A The Service will use the reports to complete the second part of the reviews, in which the agency will determine whether Federal protections for the owl and murrelet should be increased, decreased or remain the same. The information in the reports will be analyzed according to the five listing factors established in Section 4(a)(1) of the Endangered Species Act. These are:
- The present or threatened destruction, modification, or curtailment of its habitat or range;
- Overutilization for commercial, recreational, scientific, or educational purposes;
- Disease or predation;

- The inadequacy of existing regulatory mechanisms; or
- Other natural or manmade factors affecting its continued existence.

The Service's assessment of these factors is required, under section 4(b)(1) of the ESA, to based on the best scientific and commercial data available.

Q -- Will the contractors make recommendations on the legal classification of the two species?

A -- No. The Service will make a determination about legal classification, using information and analysis contained in the contractors' reports and the agency's own expertise.

Q – When will the reviews be completed?

A – April 30, 2004.

Q – What if the Service determines that a change may be necessary in the classification of either species?

A – If the Service determines that a change may be necessary the agency would begin a formal rule-making process that would include public participation before any decision is made. The Service could determine that either the owl or the murrelet, now both listed as threatened, should be proposed to be reclassified as endangered or should be proposed to be removed from the list of protected species.

Q – What do the classifications under the Endangered Species Act mean?

A – Under the ESA, the term "endangered species" means any species that is in danger of extinction throughout all or a significant portion of its range. The term "threatened species" means any species that is at risk of becoming an endangered species within the foreseeable future throughout all or a significant portion of its range.

Q – Why is the Service conducting these reviews now?

A – The Service is conducting these reviews in connection with the settlement of two lawsuits: Western Council of Industrial Workers, et al v. Secretary of the Interior (regarding the northern spotted owl), and American Forest Resources Council et al v. Secretary of Interior (regarding the marbled murrelet). The settlement agreements were approved April 22, 2003, by the U.S. District Court in Oregon. Under the Endangered Species Act, the Fish and Wildlife Service is required to conduct a review of listed species at least once every 5 years.

Q – Has the Service previously conducted 5-year reviews for the northern spotted owl and

marbled murrelet?

A – Comprehensive research and monitoring programs for both of these species have been carried out and are ongoing on both Federal and non-Federal (state, private, tribal) lands. As a result, there has been a large body of new information available. Although this information has been made public throughout the past decade, and the Service has continued to use the best available information under its ESA responsibilities, this information has not been fully evaluated under the ESA's 5-year review requirement.

Q- Are the northern spotted owl and the marbled murrelet still protected during the reviews?

A– All of the existing protections for the northern spotted owl and the marbled murrelet will remain in place. If any changes are determined to be necessary after the review is completed, they will made only after a formal rule-making process that includes public review and comment.